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SIPDIS

DEPT FOR AF/S FOR MAYA HARRIS, G/TIP MARK TAYLOR

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SUBJECT: SWAZILAND PASSES COMPREHENSIVE ANTI-HUMAN TRAFFICKING LAW

REF: A) Mbabane 000197 B) Mbabane 000248

1. SUMMARY: Capping months of meetings and focus on trafficking in persons, King Mswati III has assented to the 2009 People Trafficking and People Smuggling Prohibition Act, passed by the Senate and House in October. The law is expected to be published in the government gazette within the next few weeks, after which it will enter into effect. The Anti-Human Trafficking law, prompted by the threat of U.S. sanctions from Swaziland's initial June 2009 Tier 3 trafficking-in-persons (TIP) ranking, provides for prosecution of perpetrators and protections for victims. The new legislation compliments Swaziland's "Red Light 2010 Campaign" to combat human trafficking, which focuses on education and awareness of the problem of human trafficking, and is a vehicle for publicizing the new law.  
END SUMMARY

2. Capping months of meetings and focus on trafficking in persons, in early November King Mswati III assented to the 2009 People Trafficking and People Smuggling Prohibition Act, passed by the Senate and House in October. The king's assent was first reported by a government-owned newspaper on November 14, however government officials were unable to specify to the Embassy exactly when the king signed the law. The law is expected to be published in the government gazette within the next few weeks, after which it will enter into effect. The Anti-Human Trafficking law was prompted by the threat of U.S. sanctions from Swaziland's initial June 2009 Tier 3 trafficking-in-persons (TIP) ranking.

3. The new law provides for prosecution of perpetrators of human trafficking, and protections for victims, including immunity from criminal prosecution in respect to unlawful entry into the country. The legislation considers consent and past sexual behavior of the trafficked persons to be immaterial, and incorporates provisions against money laundering as a way to get at people responsible for human trafficking.

3. The new legislation compliments Swaziland's "Red Light 2010 Campaign" to combat human trafficking. When publicly announcing the campaign in early September, Prime Minister Dlamini highlighted both the current problem of human trafficking in the region, as well as the possible challenges that the 2010 World Cup in South Africa may pose to southern Africa. The campaign focuses on education and awareness of the problem of human trafficking. According to members of the Anti-trafficking Taskforce, Swaziland will soon unveil a hotline for victims of trafficking, managed out of the police's domestic violence unit.

4. Regarding the role U.S. anti-trafficking initiatives have played in Swaziland's new focus on the issue, Prime Minister Dlamini stated in his public remarks that "so deep-rooted and devious is the human trafficking market that it has led fierce opponents of trafficking, such as the United States Government, to use their own muscle to secure the support of other countries. For it is only through collaboration that this evil can be defeated."

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